

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PRISON LEGAL NEWS,
PLAINTIFF

v.

ANTHONY BETTERTON, individually and
in his official capacity as Sheriff of Upshur
County; JILL MCCAULEY, individually
and in her official capacity as Lieutenant of
Upshur County Jail, and UPSHUR
COUNTY,

DEFENDANTS

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CIVIL ACTION NO. 2:12-cv-699

PLAINTIFF'S MOTION TO AMEND COMPLAINT

Prison Legal News (PLN) requests leave to amend its Complaint, pursuant to Federal Rule of Civil Procedure 15(a)(1)(A), which permits one amendment as a matter of course.

Amendment is necessary because Defendant McCauley refuses to accept service – the original complaint's caption misidentifies her as "Jill *McCoy*."

Dated: November 26, 2012.

Respectfully submitted,

/s/ Brian McGiverin
Brian McGiverin
Texas Bar. No. 24067760
Scott Medlock
Texas Bar No. 24044783
James C. Harrington
Texas Bar No. 09048500

TEXAS CIVIL RIGHTS PROJECT
1405 Montopolis Dr.
Austin, TX 78741
Tel. (512) 474-5073
Fax (512) 474-0726

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Conference with opposing counsel, pursuant to Local Rule CV-7, is not possible because Defendants have not filed an answer and no attorney has appeared on their behalf.

/s/ Brian McGiverin
Brian McGiverin

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Eastern District of Texas.

/s/ Brian McGiverin
Brian McGiverin